IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1443 (S/S) of 2005

Smt. Beena Thapa, wife of Sri D.B. Thapa,
presently posted as Assistant Teacher,
Primary School Kehri Gaon, Block – Sahaspur,
District – Dehradun.

……Petitioner.

Versus

1. State of Uttaranchal through the Director of Education, Uttaranchal Shashan, Dehradun.
2. District Education Officer, Dehradun.
3. Additional District Education Officer (Basic), Dehradun, District – Dehradun.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri H.M. Raturi, learned counsel for the petitioner and learned standing counsel for the State of Uttaranchal on behalf of respondents.

Learned counsel for the both the parties are agreed to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has challenged the order dated 03.08.2005 passed by District Education Officer, Dehradun by which the petitioner is transferred from Primary School, Kehri Gaon to Primary School, Shahpur, Kalyanpur, District – Dehradun.

The submission of the petitioner is that by order dated 30.06.2005, she was transferred by District Education Officer, Dehradun form Primary School, Kehri Gaon to Primary School, Utail, Block – Kalsi, this order was later on modified by the District Education Officer, Dehradun on 03.08.2005 and she was again transferred to Primary School, Shahpur, Kalyanpur, District – Dehradun.

The impugned transfer order has been challenged by the petitioner on two grounds. First, that she has attained the age of 55 years and as per Government Order issued by the State Government of Uttaranchal, teachers, who have attained the age of 55 years should not be transferred. Second, that she is widow having no children and she has to look after her mother who is 80 years old.

Petitioner has alleged that her mother as well as herself is suffering with heart ailment and the place where she has now been transferred is far away from the motor road and no medical facility is available there.

Learned counsel for the petitioner has submitted that against the transfer order petitioner has already made a representation to the respondent and she has yet not been relieved from the present place of posting.

In view of the aforesaid circumstances, without entering into the merit, it will be just and proper to direct the District Education Officer, Dehradun, to take final decision on petitioner's representation within a period of four weeks from the date of production of certified copy of this order. Petitioner is also directed to produce the certified copy of this order along with fresh representation raising all her grievance before District Education Officer, Dehradun within a period of two weeks from today. Till the final decision is taken on the petitioner's representation, petitioner shall not be relieved from the present place of posting, in case she has not already been relieved.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

September 30, 2005
SKSharma